

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

YULIO CERVINO-HERNANDEZ, AND
ALEXANDER CASTELLANO-BENITEZ,

Defendants.

4:15CR3114

ORDER

Defendant Alexander Castellano-Benitez has moved to continue the pretrial motion deadline and trial setting, (filing nos. 37 and 38), because the defendant is awaiting additional discovery from the government and needs to review that discovery before deciding if pretrial motions should be filed. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant Alexander Castellano-Benitez's motions to continue, (filing nos. 37 and 38), are granted.
- 2) As to **both** defendants, pretrial motions and briefs shall be filed on or before January 7, 2016.
- 3) As to **both** defendants, trial of this case is continued pending resolution of any pretrial motions filed.
- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and as to **both** defendants, the additional time arising as a result of the granting of the motion, the time between today's date and January 7, 2016, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

December 3, 2015.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge